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7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation
12 Against:

13 **JAMIE SUSAN SPENCER,**
14 **aka JAMIE SUSAN BETOURNE,**
15 **aka JAMIE SUSAN KLASSEN,**
16 **aka JAME SUSAN SPENCE**

17 2440 Ravenscrest Way
18 Templeton, CA 93465

19 Registered Nurse License No. 527225

20 Respondent.

Case No. 2004-193

OAH No.

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

21 **FINDINGS OF FACT**

22 1. On or about August 16, 2007, Complainant Ruth Ann Terry, M.P.H, R.N,
23 in her official capacity as the Executive Officer of the Board of Registered Nursing, filed Petition
24 to Revoke Probation No. 2004-193 against Jamie Susan Spencer aka Jamie Susan Betourne aka
25 Jamie Susan Klassen aka Jamie Susan Spence (Respondent) before Board of Registered Nursing
26 (Board), Department of Consumer Affairs, State of California.

27 2. On or about October 10, 1996, the Board issued Registered Nurse License
28 No. 527225 to Respondent. The Registered Nurse License was in full force and effect at all
times relevant to the charges brought herein and will expire on July 31, 2008, unless renewed.

3. Effective August 26, 2004, in a disciplinary action entitled "*In the Matter
of the Accusation Against Jamie Susan Spencer,*" Case No. 2004-193, the Board issued a

1 decision, in which Respondent's Registered Nurse License was revoked. However, the
2 revocation was stayed and Respondent's license was placed on probation for a period of three (3)
3 years with certain terms and conditions.

4 4. On or about August 20, 2007, Thurman Peden, an employee of the
5 Department of Justice, served by Certified and First Class Mail a copy of the Petition to Revoke
6 Probation No. 2004-193, Statement to Respondent, Notice of Defense, Request for Discovery,
7 and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record
8 with the Board, which was and is 2440 Ravenscrest Way, Templeton, CA 93465. A copy of the
9 Petition to Revoke Probation, the related documents, and Declaration of Service are attached as
10 Exhibit A, and are incorporated herein by reference.

11 5. Service of the Petition to Revoke Probation was effective as a matter of
12 law under the provisions of Government Code section 11505, subdivision (c).

13 6. On or about September 13, 2007, the aforementioned documents were
14 returned by the U.S. Postal Service marked "Unclaimed." A copy of the envelope returned by the
15 post office is attached as Exhibit B, and is incorporated herein by reference.

16 7. Government Code section 11506 states, in pertinent part:

17 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
18 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
19 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
20 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

21 8. Respondent failed to file a Notice of Defense within 15 days after service
22 upon her of the Petition to Revoke Probation, and therefore waived her right to a hearing on the
23 merits of Petition to Revoke Probation No. 2004-193.

24 9. California Government Code section 11520 states, in pertinent part:

25 "(a) If the respondent either fails to file a notice of defense or to appear at the
26 hearing, the agency may take action based upon the respondent's express admissions or
27 upon other evidence and affidavits may be used as evidence without any notice to
28 respondent."

1 10. Pursuant to its authority under Government Code section 11520, the Board
2 finds Respondent is in default. The Board will take action without further hearing and, based on
3 Respondent's express admissions by way of default and the evidence before it, contained in
4 Exhibits A and B, finds that the allegations in Petition to Revoke Probation No. 2004-193 are
5 true.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent has subjected her
8 Registered Nurse License No. 527225 to revocation.

9 2. A copy of the Petition to Revoke Probation and the related documents and
10 Declaration of Service are attached.

11 3. The agency has jurisdiction to adjudicate this case by default.

12 4. The Board is authorized to revoke Respondent's probation and reimposing
13 the order of revocation of Respondent's Registered Nurse License based upon her failure to
14 comply with the following terms of her probation, as alleged in the Petition to Revoke Probation:

- 15 a. Condition 2. Comply with the Board's Probation Program.
- 16 b. Condition 4. Submit Written Reports.
- 17 c. Condition 6. Function as a Registered Nurse.
- 18 d. Condition 10. Complete a Nursing Course(s).
- 19 e. Condition 14. Physical Examination.
- 20 f. Condition 15. Mental Health Examination.
- 21 g. Condition 16(B). Abstain from Use of Psychotropic (Mood-
22 altering) Drugs.
- 23 h. Condition 16(C). Submit to Tests and Sample.

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1 **ORDER**

2 IT IS SO ORDERED that Registered Nurse License No. 527225, heretofore
3 issued to Respondent Jamie Susan Spencer aka Jamie Susan Betourne aka Jamie Susan Klassen
4 aka Jamie Susan Spence, is revoked.

5 Pursuant to Government Code section 11520, subdivision (c), Respondent may
6 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
7 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
8 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
9 statute.

10 This Decision shall become effective on February 15, 2008

11 It is so ORDERED January 16, 2008

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14 FOR THE BOARD OF REGISTERED NURSING

15
16 60248131.wpd

17 DOJ docket number: LA2007601275

18 **Attachments:**

19 Exhibit A: Petition to Revoke Probation No.2004-193, Related Documents, and Declaration
20 of Service

21 Exhibit B: Copy of Envelope Returned by Post Office
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Exhibit A

Petition to Revoke Probation No. 2004-193,
Related Documents and Declaration of Service

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS,
Supervising Deputy Attorney General
3 LINDA L. SUN, State Bar No. 207108
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Petition to Revoke Probation
Against:

Case No. 2004-193

12 **JAMIE SUSAN SPENCER,**
13 **aka JAMIE SUSAN BETOURNE,**
14 **aka JAMIE SUSAN KLASSEN,**
aka JAME SUSAN SPENCE
2440 Ravencrest Way
15 Templeton, CA 93465

**PETITION TO REVOKE
PROBATION**

16 Registered Nurse License No. 527225

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Petition to
21 Revoke Probation solely in her official capacity as the Executive Officer of the Board of
22 Registered Nursing, Department of Consumer Affairs (Board).

23 2. On or about October 10, 1996, the Board issued Registered Nurse License
24 No. 527225 to Jamie Susan Spencer, aka Jamie Susan Betourne, aka Jamie Susan Klassen, aka
25 Jamie Susan Spence (Respondent). Effective August 26, 2004, in a disciplinary action entitled
26 "*In the Matter of the Accusation Against Jamie Susan Spencer,*" Case No. 2004-193, the Board
27 issued a decision, in which Respondent's Registered Nurse License was revoked. However, the
28

1 revocation was stayed and Respondent's license was placed on probation for a period of three (3)
2 years with certain terms and conditions. A copy of that decision is attached as Exhibit A and
3 incorporated by reference. The Registered Nurse License will expire on July 31, 2008 unless
4 renewed.

5 JURISDICTION

6 3. This Petition to Revoke Probation is brought before the Board, under the
7 authority of the following laws. All Section references are to the Business and Professions Code
8 unless otherwise indicated.

9 4. Section 2750 provides, in pertinent part, that the Board may discipline any
10 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
11 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

12 5. Section 2764 provides, in pertinent part, that the expiration of a license
13 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
14 licensee or to render a decision imposing discipline on the license. Under Section 2811,
15 subdivision (b), the Board may renew an expired license at any time within eight years after the
16 expiration.

17 PETITION TO REVOKE PROBATION

18 PROBATION TERMS

19 6. Among the terms and conditions imposed on Respondent by the Board in
20 Case No. 2004-193, are:

21 **Condition 2. Comply with the Board's Probation Program.** Respondent shall fully
22 comply with the conditions of the Probation Program established by the Board and
23 cooperate with representatives of the Board in its monitoring and investigation of the
24 respondent's compliance with the Board's Probation Program. Respondent shall inform
25 the Board in writing within no more than 15 days of any address change and shall at all
26 times maintain an active, current license status with the Board, including during any
27 period of suspension.

28 Upon successful completion of probation, respondent's license shall be fully restored.

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1 **Condition 5. Submit Written Reports.** Respondent, during the period of probation,
2 shall submit or cause to be submitted such written reports/declarations and verification of
3 actions under penalty of perjury, as required by the Board. These reports/declarations
4 shall contain statements relative to respondent's compliance with all the terms and
5 conditions of the Board's Probation Program. Respondent shall immediately execute all
6 release of information forms as may be required by the Board or its representatives.
7 Respondent shall provide a copy of this decision to the nursing regulatory agency in every
8 state and territory in which he or she has a registered nurse license.

9 **Condition 6. Function as a Registered Nurse.** Respondent, during the period of
10 probation, shall engage in the practice of registered nursing in California for a minimum
11 of 24 hours per week for 6 consecutive months or as determined by the Board.
12 For purposes of compliance with the section, "engage in the practice of registered
13 nursing" may include, when approved by the Board, volunteer work as a registered nurse,
14 or work in any non-direct patient care position that requires licensure as a registered
15 nurse.

16 The Board may require that advanced practice nurses engage in advanced practice nursing
17 for a minimum of 24 hours per week for 6 consecutive months or as determined by the
18 Board.

19 If respondent has not complied with this condition during the probationary term, and the
20 respondent has presented sufficient documentation of his or her good faith efforts to
21 comply with this condition, and if no conditions have been violated, the Board, in its
22 discretion, may grant an extension of the respondent's probation period up to one year
23 without further hearing in order to comply with this condition. During the one year
24 extension, all original conditions of probation shall apply.

25 **Condition 10. Complete a Nursing Course(s).** Respondent, at his or her own expense,
26 shall enroll and successfully complete a course(s) relevant to the practice of registered
27 nursing no later than six months prior to the end of his or her probationary term.
28 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
Respondent shall submit to the Board the original transcripts or certificates of completion
for the above required course(s). The Board shall return the original documents to
respondent after photocopying them for its records.

Condition 14. Physical Examination. Within 45 days of the effective date of this
decision, respondent, at his/her expense, shall have a licensed physician, nurse
practitioner, or physician assistant, who is approved by the Board before the assessment is
performed, submit an assessment of the respondent's physical condition and capability to
perform the duties of a registered nurse, including a determination as set forth below in
Condition 16, "Rule-Out Substance Abuse Assessment." Such an assessment shall be
submitted in a format acceptable to the Board. If medically determined, a recommended
treatment program will be instituted and followed by the respondent with the physician,
nurse practitioner, or physician assistant providing written reports to the Board on forms
provided by the Board.

If respondent is determined to be unable to practice safely as a registered nurse, the
licensed physician, nurse practitioner, or physician assistant making this determination
shall immediately notify the Board and respondent by telephone, and the Board shall
request that the Attorney General's office prepare an accusation or petition to revoke
probation. Respondent shall immediately cease practice and shall not resume practice
until notified by the Board. During this period of suspension, respondent shall not engage
in any practice for which a license issued by the Board is required until the Board has
notified respondent that a medical determination permits respondent to resume practice.

1 This period of suspension will not apply to the reduction of this probationary time period.
2 If the respondent fails to have the above assessment submitted to the Board within the 45-
3 day requirement, respondent shall immediately cease practice and shall not resume
4 practice until notified by the Board. This period of suspension will not apply to the
5 reduction of this probationary time period. The Board may waive or postpone this
6 suspension only if significant, documented evidence of mitigation is provided. Such
7 evidence must establish good faith efforts by the respondent to obtain the assessment, and
8 a specific date for compliance must be provided. Only one such waiver or extension may
9 be permitted.

10 **Condition 15. Mental Health Examination.** The respondent shall, within 45 days of
11 the effective date of this decision, have a mental health examination including
12 psychological testing as appropriate to determine his/her capability to perform the duties
13 of a registered nurse, including a determination as set forth below in Condition 16, "Rule-
14 Out Substance Abuse Assessment." The examination will be performed by a psychiatrist,
15 psychologist or other licensed mental health practitioner approved by the Board. The
16 examining mental health practitioner will submit a written report of that assessment and
17 recommendations to the Board. All costs are the responsibility of the respondent.
18 Recommendations for treatment, therapy or counseling made as a result of the mental
19 health examination will be instituted and followed by the respondent.

20 If respondent is determined to be unable to practice safely as a registered nurse, the
21 licensed mental health care practitioner making this determination shall immediately
22 notify the Board and respondent by telephone, and the Board shall request that the
23 Attorney General's office prepare an accusation or petition to revoke probation.
24 Respondent shall immediately cease practice and may not resume practice until notified
25 by the Board. During this period of suspension, respondent shall not engage in any
26 practice for which a license issued by the Board is required, until the Board has notified
27 respondent that a mental health determination permits respondent to resume practice.
28 This period of suspension will not apply to the reduction of this probationary time period.

If the respondent fails to have the above assessment submitted to the Board within the 45-
day requirement, respondent shall immediately cease practice and shall not resume
practice until notified by the Board. This period of suspension will not apply to the
reduction of this probationary time period. The Board may waive or postpone this
suspension only if significant, documented evidence of mitigation is provided. Such
evidence must establish good faith efforts by the respondent to obtain the assessment, and
a specific date for compliance must be provided. Only one such waiver or extension may
be permitted.

Condition 16. Rule-out Substance Abuse Assessment. If the examiner conducting
the physical and/or mental health examination determines that the respondent is
dependent upon drugs or alcohol, or has had problems with drugs or alcohol (i.e. drug
dependence in remission or alcohol dependence in remission), that might reasonably
affect the safe practice of nursing, then the respondent must further comply with the
following additional terms and conditions of probation.

....
(B) Abstain from Use of Psychotropic (Mood-altering) Drugs . Respondent shall
completely abstain from the possession, injection or consumption by any route of all
psychotropic (mood altering) drugs, including alcohol, except when the same are ordered
by a health care professional legally authorized to do so as part of documented medical
treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
days, by the prescribing health professional, a report identifying the medication, dosage,
the date the medication was prescribed, the respondent's prognosis, the date the

1 medication will no longer be required, and the effect on the recovery plan, if appropriate.

2 Respondent shall identify for the Board a single physician, nurse practitioner or physician
3 assistant who shall be aware of respondent's history of substance abuse and will
4 coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled
5 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or
6 physician assistant shall report to the Board on a quarterly basis respondent's compliance
7 with this condition. If any substances considered addictive have been prescribed, the
8 report shall identify a program for the time limited use of any such substances.

9 The Board may require the single coordinating physician, nurse practitioner, or physician
10 assistant to be a specialist in addictive medicine, or to consult with a specialist in
11 addictive medicine.

12 **(C) Submit to Tests and Samples.** Respondent, at his/her expense, shall participate in a
13 random, biological fluid testing or a drug screening program which the Board approves.
14 The length of time and frequency will be subject to approval by the Board. The
15 respondent is responsible for keeping the Board informed of respondent's current
16 telephone number at all times. Respondent shall also ensure that messages may be left at
17 the telephone number when he/she is not available and ensure that reports are submitted
18 directly by the testing agency to the Board, as directed. Any confirmed positive finding
19 shall be reported immediately to the Board by the program and the respondent shall be
20 considered in violation of probation.

21 In addition, respondent, at any time during the period of probation, shall fully cooperate
22 with the Board or any of its representatives, and shall, when requested, submit to such
23 tests and samples as the Board or its representatives may require for the detection of
24 alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

25 If respondent has a positive drug screen for any substance not legally authorized and not
26 reported to the coordinating physician, nurse practitioner, or physician assistant, and the
27 Board files a petition to revoke probation or an accusation, the Board may suspend
28 respondent from practice pending the final decision on the petition to revoke probation or
the accusation. This period of suspension will not apply to the reduction of this
probationary time period.

If respondent fails to participate in a random, biological fluid testing or drug screening
program within the specified time frame, the respondent shall immediately cease practice
and shall not resume practice until notified by the Board. After taking into account
documented evidence of mitigation, if the Board files a petition to revoke probation or an
accusation, the Board may suspend respondent from practice pending the final decision
on the petition to revoke probation or the accusation. This period of suspension will not
apply to the reduction of this probationary time period.

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1 g. **Condition 16(B). Abstain from Use of Psychotropic (Mood-altering)**
2 **Drugs.** On or about September 7, 2006, Respondent tested positive for alcohol.

3 h. **Condition 16(C). Submit to Tests and Samples.** From about June 23,
4 2007 to the present day, Respondent failed to call in to schedule for her tests.

5 **PRAYER**

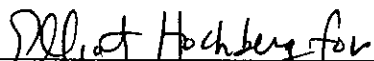
6 WHEREFORE, Complainant requests that a hearing be held on the matters herein
7 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking the probation that was granted by the Board of Registered
9 Nursing in Case No. 2004-193 and imposing the disciplinary order that was stayed thereby
10 revoking Registered Nurse License No. 527225 issued to Jamie Susan Spencer, aka Jamie Susan
11 Betourne, aka Jamie Susan Klassen, aka Jamie Susan Spence;

12 2. Revoking or suspending Registered Nurse License No. 527225, issued to
13 Jamie Susan Spencer, aka Jamie Susan Betourne, aka Jamie Susan Klassen, aka Jamie Susan
14 Spence;

15 3. Taking such other and further action as deemed necessary and proper.

16
17 DATED: 8/16/07

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21 RUTH ANN TERRY, M.P.H., R.N.
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California

26 Complainant

27 Exhibit A: Decision Case No. 2004-193, Stipulation, Accusation

28 LA2006601225
Spencer Petition.wpd

Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2004-193

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2004-193

JAMIE SUSAN SPENCER,
aka JAMIE SUSAN BETOURNE,
aka JAMIE SUSAN KLASSEN,
aka JAMIE SUSAN SPENCE
2440 Ravencrest Way
Templeton, CA 93465

Registered Nurse License No. 527225

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 26, 2004.

It is so ORDERED July 27, 2004.

Sandra L. Erickson

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 MICHAEL R. GRANEN, State Bar No. 63350
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2537
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2004-193

12 JAMIE SUSAN SPENCER,
aka JAMIE SUSAN BETOURNE,
13 aka JAMIE SUSAN KLASSEN,
aka JAMIE SUSAN SPENCE
14 2440 Ravenscrest Way
Templeton, CA 93465

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Registered Nurse License No. 527225

16
17 Respondent.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
20 above-entitled proceedings that the following matters are true:

21 PARTIES

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Bill Lockyer, Attorney General of the State of California, by
25 Michael R. Granen, Deputy Attorney General.

26 2. Respondent Jamie Susan Spencer, aka Jamie Susan Betourne, aka Jamie
27 Susan Klassen, aka Jamie Susan Spence (Respondent) is represented in this proceeding by
28 attorney Donna L. Ortlieb, whose address is 17621 Irvine Blvd., Suite 210, Tustin, CA 92780.

3. On or about October 10, 1996, the Board of Registered Nursing issued Registered Nurse License No. 527225 to Jamie Susan Spencer, aka Jamie Susan Betourne, aka Jamie Susan Klassen, aka Jamie Susan Spence (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2004-193 and will expire on July 31, 2004, unless renewed.

JURISDICTION

4. Accusation No. 2004-193 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 10, 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2004-193 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2004-193. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **SEVERABILITY CLAUSE** - Each condition of probation contained herein is a
2 separate and distinct condition. If any condition of this Order, or any application thereof, is
3 declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all
4 other applications thereof, shall not be affected. Each condition of this Order shall separately be
5 valid and enforceable to the fullest extent permitted by law.

6 **(1) OBEY ALL LAWS** - Respondent shall obey all federal, state and local laws.
7 A full and detailed account of any and all violations of law shall be reported by the respondent to
8 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
9 compliance with this condition, respondent shall submit completed fingerprint forms and
10 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
11 as part of the licensure application process.

12 **CRIMINAL COURT ORDERS:** *If respondent is under criminal court orders,*
13 *including probation or parole, and the order is violated, this shall be deemed a violation of these*
14 *probation conditions, and may result in the filing of an accusation and/or petition to revoke*
15 *probation.*

16 **(2) COMPLY WITH THE BOARD'S PROBATION PROGRAM** -
17 Respondent shall fully comply with the conditions of the Probation Program established by the
18 Board and cooperate with representatives of the Board in its monitoring and investigation of the
19 respondent's compliance with the Board's Probation Program. Respondent shall inform the
20 Board in writing within no more than 15 days of any address change and shall at all times
21 maintain an active, current license status with the Board, including during any period of
22 suspension.

23 Upon successful completion of probation, respondent's license shall be fully
24 restored.

25 **(3) REPORT IN PERSON** - Respondent, during the period of probation, shall
26 appear in person at interviews/ meetings as directed by the Board or its designated
27 representatives.

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1 **(4) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE -**

2 Periods of residency or practice as a registered nurse outside of California shall not apply toward
3 a reduction of this probation time period. Respondent's probation is tolled, if and when he or she
4 resides outside of California. The respondent must provide written notice to the Board within 15
5 days of any change of residency or practice outside the state, and within 30 days prior to re-
6 establishing residency or returning to practice in this state.

7 Respondent shall provide a list of all states and territories where he or she has
8 ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall
9 further provide information regarding the status of each license and any changes in such license
10 status during the term of probation. Respondent shall inform the Board if he/she applies for or
11 obtains a new nursing license during the term of probation.

12 **(5) SUBMIT WRITTEN REPORTS** - Respondent, during the period of
13 probation, shall submit or cause to be submitted such written reports/declarations and verification
14 of actions under penalty of perjury, as required by the Board. These reports/declarations shall
15 contain statements relative to respondent's compliance with all the conditions of the Board's
16 Probation Program. Respondent shall immediately execute all release of information forms as
17 may be required by the Board or its representatives.

18 Respondent shall provide a copy of this decision to the nursing regulatory agency
19 in every state and territory in which he or she has a registered nurse license.

20 **(6) FUNCTION AS A REGISTERED NURSE** - Respondent, during the
21 period of probation, shall engage in the practice of registered nursing in California for a
22 minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

23 For purposes of compliance with the section, "engage in the practice of registered
24 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
25 work in any non-direct patient care position that requires licensure as a registered nurse.

26 The Board may require that advanced practice nurses engage in advanced practice
27 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
28 Board.

1 If respondent has not complied with this condition during the probationary term,
2 and the respondent has presented sufficient documentation of his or her good faith efforts to
3 comply with this condition, and if no other conditions have been violated, the Board, in its
4 discretion, may grant an extension of the respondent's probation period up to one year without
5 further hearing in order to comply with this condition. During the one year extension, all original
6 conditions of probation shall apply.

7 **(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS -**

8 Respondent shall obtain prior approval from the Board before commencing or continuing any
9 employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to
10 the Board all performance evaluations and other employment related reports as a registered nurse
11 upon request of the Board.

12 Respondent shall provide a copy of this decision to his or her employer and
13 immediate supervisors prior to commencement of any nursing or other health care related
14 employment.

15 In addition to the above, respondent shall notify the Board in writing within
16 seventy-two (72) hours after he or she obtains any nursing or other health care related
17 employment. Respondent shall notify the Board in writing within seventy-two (72) hours after
18 he or she is terminated or separated, regardless of cause, from any nursing, or other health care
19 related employment with a full explanation of the circumstances surrounding the termination or
20 separation.

21 **(8) SUPERVISION** - Respondent shall obtain prior approval from the Board
22 regarding respondent's level of supervision and/or collaboration before commencing or
23 continuing any employment as a registered nurse, or education and training that includes patient
24 care.

25 Respondent shall practice only under the direct supervision of a registered nurse
26 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
27 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
28 are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.

(d) Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the respondent with or without respondent present.

(9) EMPLOYMENT LIMITATIONS - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

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Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If the respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(10) **COMPLETE A NURSING COURSE(S)** - Respondent, at his or her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his or her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records.

(11) **COST RECOVERY** - Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$1,500.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

(12) **VIOLATION OF PROBATION** - If a respondent violates the conditions of his/her probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the respondent's license.

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1 If during the period of probation, an accusation or petition to revoke probation has
2 been filed against respondent's license or the Attorney General's Office has been requested to
3 prepare an accusation or petition to revoke probation against the respondent's license, the
4 probationary period shall automatically be extended and shall not expire until the accusation or
5 petition has been acted upon by the Board.

6 (13) **LICENSE SURRENDER** - During respondent's term of probation, if he
7 or she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the
8 conditions of probation, respondent may surrender his or her license to the Board. The Board
9 reserves the right to evaluate respondent's request and to exercise its discretion whether to grant
10 the request, or to take any other action deemed appropriate and reasonable under the
11 circumstances, without further hearing. Upon formal acceptance of the tendered license and wall
12 certificate, respondent will no longer be subject to the conditions of probation.

13 Surrender of respondent's license shall be considered a disciplinary action and
14 shall become a part of respondent's license history with the Board. A registered nurse whose
15 license has been surrendered may petition the Board for reinstatement no sooner than the
16 following minimum periods from the effective date of the disciplinary decision:

17 (1) Two years for reinstatement of a license that was surrendered for any
18 reason other than a mental or physical illness; or

19 (2) One year for a license surrendered for a mental or physical illness.

20 (14) **PHYSICAL EXAMINATION** - Within 45 days of the effective date of this
21 decision, respondent, at his/her expense, shall have a licensed physician, nurse practitioner, or
22 physician assistant, who is approved by the Board before the assessment is performed, submit an
23 assessment of the respondent's physical condition and capability to perform the duties of a
24 registered nurse, including a determination as set forth below in Condition 16, "Rule-Out
25 Substance Abuse Assessment." Such an assessment shall be submitted in a format acceptable to
26 the Board. If medically determined, a recommended treatment program will be instituted and
27 followed by the respondent with the physician, nurse practitioner, or physician assistant
28 providing written reports to the Board on forms provided by the Board.

1 If respondent is determined to be unable to practice safely as a registered nurse,
2 the licensed physician, nurse practitioner, or physician assistant making this determination shall
3 immediately notify the Board and respondent by telephone, and the Board shall request that the
4 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
5 shall immediately cease practice and shall not resume practice until notified by the Board. During
6 this period of suspension, respondent shall not engage in any practice for which a license issued
7 by the Board is required until the Board has notified respondent that a medical determination
8 permits respondent to resume practice. This period of suspension will not apply to the reduction
9 of this probationary time period.

10 If the respondent fails to have the above assessment submitted to the Board within
11 the 45-day requirement, respondent shall immediately cease practice and shall not resume
12 practice until notified by the Board. This period of suspension will not apply to the reduction of
13 this probationary time period. The Board may waive or postpone this suspension only if
14 significant, documented evidence of mitigation is provided. Such evidence must establish good
15 faith efforts by the respondent to obtain the assessment, and a specific date for compliance must
16 be provided. Only one such waiver or extension may be permitted.

17 **(15) MENTAL HEALTH EXAMINATION** - The respondent shall, within 45
18 days of the effective date of this decision, have a mental health examination including
19 psychological testing as appropriate to determine his/her capability to perform the duties of a
20 registered nurse, including a determination as set forth below in Condition 16, "Rule-Out
21 Substance Abuse Assessment." The examination will be performed by a psychiatrist,
22 psychologist or other licensed mental health practitioner approved by the Board. The examining
23 mental health practitioner will submit a written report of that assessment and recommendations
24 to the Board. All costs are the responsibility of the respondent. Recommendations for treatment,
25 therapy or counseling made as a result of the mental health examination will be instituted and
26 followed by the respondent.

27 If respondent is determined to be unable to practice safely as a registered nurse,
28 the licensed mental health care practitioner making this determination shall immediately notify

1 the Board and respondent by telephone, and the Board shall request that the Attorney General's
2 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
3 practice and may not resume practice until notified by the Board. During this period of
4 suspension, respondent shall not engage in any practice for which a license issued by the Board is
5 required, until the Board has notified respondent that a mental health determination permits
6 respondent to resume practice. This period of suspension will not apply to the reduction of this
7 probationary time period.

8 If the respondent fails to have the above assessment submitted to the Board within
9 the 45-day requirement, respondent shall immediately cease practice and shall not resume
10 practice until notified by the Board. This period of suspension will not apply to the reduction of
11 this probationary time period. The Board may waive or postpone this suspension only if
12 significant, documented evidence of mitigation is provided. Such evidence must establish good
13 faith efforts by the respondent to obtain the assessment, and a specific date for compliance must
14 be provided. Only one such waiver or extension may be permitted.

15 **(16) RULE-OUT SUBSTANCE ABUSE ASSESSMENT** - If the examiner
16 conducting the physical and/or mental health examination determines that the respondent is
17 dependent upon drugs or alcohol, or has had problems with drugs or alcohol (i.e. drug
18 dependence in remission or alcohol dependence in remission), that might reasonably affect the
19 safe practice of nursing, then the respondent must further comply with the following additional
20 terms and conditions of probation.

21 **(A) PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM**
22 **FOR CHEMICAL DEPENDENCE** - Respondent, at his/her expense, shall successfully
23 complete during the probationary period or shall have successfully completed prior to
24 commencement of probation a Board-approved treatment/rehabilitation program of at least six
25 months duration. As required, reports shall be submitted by the program on forms provided by
26 the Board. If respondent has not completed a Board-approved treatment/rehabilitation program
27 prior to commencement of probation, respondent, within 45 days from the effective date of the
28 decision, shall be enrolled in a program. If a program is not successfully completed within the

1 first nine months of probation, the Board shall consider respondent in violation of probation.

2 Based on Board recommendation, each week respondent shall be required to
3 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
4 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
5 by the Board. If a nurse support group is not available, an additional 12-step meeting or
6 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
7 such attendance to the Board during the entire period of probation. Respondent shall continue
8 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
9 mental health examiner and/or other ongoing recovery groups.

10 **(B) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING)**

11 **DRUGS** - Respondent shall completely abstain from the possession, injection or consumption by
12 any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are
13 ordered by a health care professional legally authorized to do so as part of documented medical
14 treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by
15 the prescribing health professional, a report identifying the medication, dosage, the date the
16 medication was prescribed, the respondent's prognosis, the date the medication will no longer be
17 required, and the effect on the recovery plan, if appropriate.

18 Respondent shall identify for the Board a single physician, nurse practitioner or
19 physician assistant who shall be aware of respondent's history of substance abuse and will
20 coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled
21 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
22 assistant shall report to the Board on a quarterly basis respondent's compliance with this
23 condition. If any substances considered addictive have been prescribed, the report shall identify a
24 program for the time limited use of any such substances.

25 The Board may require the single coordinating physician, nurse practitioner, or
26 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
27 addictive medicine.

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1 **(C) SUBMIT TO TESTS AND SAMPLES** - Respondent, at his/her expense,
2 shall participate in a random, biological fluid testing or a drug screening program which the
3 Board approves. The length of time and frequency will be subject to approval by the Board. The
4 respondent is responsible for keeping the Board informed of respondent's current telephone
5 number at all times. Respondent shall also ensure that messages may be left at the telephone
6 number when he/she is not available and ensure that reports are submitted directly by the testing
7 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to
8 the Board by the program and the respondent shall be considered in violation of probation.

9 In addition, respondent, at any time during the period of probation, shall fully
10 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
11 tests and samples as the Board or its representatives may require for the detection of alcohol,
12 narcotics, hypnotics, dangerous drugs, or other controlled substances.

13 If respondent has a positive drug screen for any substance not legally authorized
14 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
15 Board files a petition to revoke probation or an accusation, the Board may suspend respondent
16 from practice pending the final decision on the petition to revoke probation or the accusation.
17 This period of suspension will not apply to the reduction of this probationary time period.

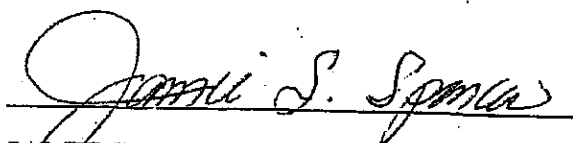
18 If respondent fails to participate in a random, biological fluid testing or drug
19 screening program within the specified time frame, the respondent shall immediately cease
20 practice and shall not resume practice until notified by the Board. After taking into account
21 documented evidence of mitigation, if the Board files a petition to revoke probation or an
22 accusation, the Board may suspend respondent from practice pending the final decision on the
23 petition to revoke probation or the accusation. This period of suspension will not apply to the
24 reduction of this probationary time period.

25 **(D) THERAPY OR COUNSELING PROGRAM** - Respondent, at his/her
26 expense, shall participate in an on-going counseling program until such time as the Board
27 releases him/her from this requirement and only upon the recommendation of the counselor.
28 Written progress reports from the counselor will be required at various intervals.

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and
3 have fully discussed it with my attorney, Donna L. Ortlieb. I understand the stipulation and the
4 effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and
5 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Board of Registered Nursing.

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8 DATED: 4/27/04

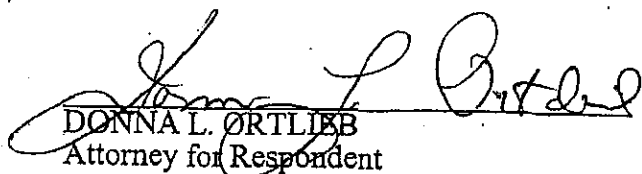
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11 JAMIE SUSAN SPENCER,
12 aka JAMIE SUSAN BETOURNE,
13 aka JAMIE SUSAN KLASSEN,
14 aka JAMIE SUSAN SPENCE

15 Respondent

16
17 I have read and fully discussed with Respondent Jamie Susan Spencer, aka Jamie
18 Susan Betourne, aka Jamie Susan Klassen, aka Jamie Susan Spence the terms and conditions and
19 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
20 form and content.

21 DATED: 4-29-04

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23 
24 DONNA L. ORTLIEB
25 Attorney for Respondent

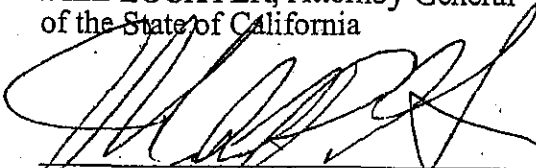
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 5/3/04

BILL LOCKYER, Attorney General
of the State of California


MICHAEL R. GRANEN
Deputy Attorney General

Attorneys for Complainant

1 BILL LOCKYER, Attorney General
of the State of California
2 MICHAEL R. GRANEN, State Bar No. 63350
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
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5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2004-193

11 JAMIE SUSAN SPENCER
12 a.k.a., JAMIE SUSAN BETOURNE
a.k.a., JAMIE SUSAN KLASSEN
13 a.k.a., JAMIE SUSAN SPENCE
2440 Ravenscrest Way
14 Templeton, CA 93465

ACCUSATION

15 Registered Nurse License No. 527225

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about October 10, 1996, the Board of Registered Nursing issued
24 Registered Nurse License No. 527225 to Jamie Susan Spencer, also known as, Jamie Susan
25 Betourne, Jamie Susan Klassen, and Jamie Susan Spence (Respondent). The Registered Nurse
26 License was in full force and effect at all times relevant to the charges brought herein and will
27 expire on July 31, 2004, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

....

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it."

7. Section 2762 states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

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1 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
2 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
3 or administer to another, any controlled substance as defined in Division 10 (commencing with
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
5 defined in Section 4022.

6 8. California Code of Regulations, title 16, section 1443, states:

7 "As used in Section 2761 of the code, "incompetence" means the lack of
8 possession of or the failure to exercise that degree of learning, skill, care and experience
9 ordinarily possessed and exercised by a competent registered nurse as described in Section
10 1443.5."

11 9. California Code of Regulations, title 16, section 1443.5, states:

12 "A registered nurse shall be considered to be competent when he/she consistently
13 demonstrates the ability to transfer scientific knowledge from social, biological and physical
14 sciences in applying the nursing process, as follows:

15 "(1) Formulates a nursing diagnosis through observation of the client's physical
16 condition and behavior, and through interpretation of information obtained from the client and
17 others, including the health team.

18 "(2) Formulates a care plan, in collaboration with the client, which ensures that
19 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and
20 protection, and for disease prevention and restorative measures.

21 "(3) Performs skills essential to the kind of nursing action to be taken, explains
22 the health treatment to the client and family and teaches the client and family how to care for the
23 client's health needs.

24 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
25 subordinates and on the preparation and capability needed in the tasks to be delegated, and
26 effectively supervises nursing care being given by subordinates.

27 "(5) Evaluates the effectiveness of the care plan through observation of the client's
28 physical condition and behavior, signs and symptoms of illness, and reactions to treatment and

1 through communication with the client and health team members, and modifies the plan as
2 needed.

3 "(6) Acts as the client's advocate, as circumstances require, by initiating action to
4 improve health care or to change decisions or activities which are against the interests or wishes
5 of the client, and by giving the client the opportunity to make informed decisions about health
6 care before it is provided."

7 10. Section 118, subdivision (b), provides that the suspension/expiration of a
8 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
9 period within which the license may be renewed, restored, reissued or reinstated.

10 11. Section 125.3 provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licensee found to have committed a violation or violations
12 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 12. CONTROLLED SUBSTANCES

15 "Methadone," is a brand of opiate. It is a Schedule II controlled substance as
16 designated by Health and Safety Code section 11055(c)(14) and is categorized as a "dangerous
17 drug" pursuant to Business and Professions Code section 4022.

18 FIRST CAUSE FOR DISCIPLINE

19 (Unlawful Possession of a Controlled Substance)

20 13. Respondent is subject to disciplinary action under section 2761,
21 subdivision (a) and (d), as defined in section 2762, subdivision (a), for unprofessional conduct, in
22 that while working as a registered nurse at Atascadero State Hospital (ASH), 10333 El Camino,
23 Real, Atascadero, California, Respondent was in unlawful possession of a controlled substance,
24 as follows:

25 A. On or about December 31, 1999, during a random inspection of
26 Respondent's vehicle at ASH, by a peace officer employed with ASH, Respondent was found to
27 be in unlawful possession of 2 bottles of methadone and four insulin syringes, with needles that
28 are commonly used for the administration of illegal drugs, such as heroin.

1 B. Respondent lied to the peace officer conducting the search, by stating that
2 the syringes were not hers and that they belonged to a her friend's son, who is a diabetic.

3 C. Respondent later admitted that she had obtained the prescribed methadone,
4 by lying to a physician and indicating to him that she had been addicted to heroin for at least a
5 year. This is the minimum time period necessary to qualify for a treatment program that included
6 the methadone prescription. Respondent by her own admission, indicated that she had been
7 addicted to heroin substantially less than one year.

8 D. Respondent later admitted to the syringes, in fact, being hers and admitted
9 to unlawfully taking heroin during 1999.

10 SECOND CAUSE FOR DISCIPLINE

11 (Use of Deceit to Obtain a Controlled Substance)

12 14. Respondent is subject to disciplinary action under section 2761,
13 subdivision (a), for unprofessional conduct, in that Respondent lied to a physician to obtain a
14 prescription for methadone, as more fully set forth above in paragraph 13 above.

15 THIRD CAUSE FOR DISCIPLINE

16 (Incompetence)

17 15. Respondent is subject to disciplinary action under section 2761,
18 subdivision (a)(1), for unprofessional conduct, in conjunction with California Code of
19 Regulations, title 16, sections 1443 and 1443.5, in that Respondent is unsafely working as a
20 nurse, by lying to a physician to obtain a prescription, lying to her employer and concealing her
21 addiction, and lying to a peace officer, a representative of ASH. More specifically, Respondent's
22 lying may not provide reliable information to her employer, with which the employer can
23 evaluate whether or not she continues to abuse illegal and prescription drugs, and consequently is
24 a danger to patients, as more fully set forth in paragraphs 12 and 13 above.

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PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License No. 527225, issued to Jamie Susan Spencer;

2. Ordering Jamie Susan Spencer to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 1/22/04


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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